

EXHIBIT 1

INTRODUCTION

Respondent Gary Linden assumed office as an alternate board member of the Assessment Appeals Board for the County of Siskiyou. As an alternate board member of the Assessment Appeals Board (the “Board”), Respondent is a designated employee of the board, as defined in Section 82019, subdivision (c) of the Political Reform Act (the “Act”),¹ and in the Board’s conflict of interest code. Pursuant to the provisions of the Board’s conflict of interest code, and the Act, each designated employee of the District is required to file an annual statement of economic interests by April 1st of each year (unless April 1st falls on a Saturday, Sunday, or official holiday, in which case the filing deadline is extended to the next regular business day)² disclosing his or her reportable financial interests during the preceding calendar year.

In this matter, Respondent failed to timely file a 2000 annual statement of economic interests by the April 2, 2001 due date.

This case was handled on an expedited basis pursuant to the SEI Expedited Procedures adopted by the Commission in July of 1999.

For the purposes of this Stipulation, Respondent’s violation of the Political Reform Act is stated as follows:

COUNT 1: As a designated employee of the Assessment Appeals Board for the County of Siskiyou, Gary Linden failed to file a 2000 annual statement of economic interests, by April 2, 2001, in violation of Government Code section 87300.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in Section 81002, subdivision (c), is to ensure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided.

In furtherance of this purpose, Section 87300 requires every agency to adopt and promulgate a conflict of interest code. The agency’s conflict of interest code must specifically designate the employees of the agency who are required to file statements of economic interests disclosing their reportable investments, business positions, interests in real property, and other income. Under Section

¹ The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. The regulations of the Fair Political Practices Commission, enacted pursuant to the provisions of the Act, are contained in the California Code of Regulations sections 18000, *et seq.*, of Title 2. All regulatory references are to California Code of Regulations, Title 2, Division 6, unless otherwise indicated.

² Regulation 18116.

82019, subdivision (c), and Section 87302, subdivision (a), the persons who are to be designated in an agency's conflict of interest code are the officers, employees, members, and consultants of the agency, whose position with the agency entails making, or participating in making, decisions that may foreseeably have a material effect on a financial interest.

Section 87302, subdivision (b) provides that under an agency's conflict of interest code, each designated employee of the agency must be required to annually file a statement of economic interests, for each year that the employee remains in office, at a time specified in the agency's conflict of interest code, disclosing his or her reportable financial interests during the preceding calendar year.

Under Section 87300, the requirements of an agency's conflict of interest code have the force of law, and any violation of those requirements is deemed a violation of the Act.

SUMMARY OF THE FACTS

Respondent Gary Linden has served as an alternate board member of the Assessment Appeals Board of Siskiyou County since assuming office on March 20, 1997. Respondent is a designated employee of the Board, as defined in Section 82019, subdivision (c) and in the Board's conflict of interest code.

Under the Board's conflict of interest code, Respondent is required to file an annual statement of economic interests, for each year that he serves as a member of the Assessment Appeals Board, by April 1st of the following year (unless April 1st falls on a Saturday, Sunday, or official holiday, in which case the filing deadline is extended to the next regular business day).

On April 6, 2001, Terri Rowan, Elections Assistant to the Siskiyou County Clerk, sent a letter to Respondent, via certified mail, advising him that his 2000 annual statement of economic interests was past due. Ms. Rowan sent a second letter, via certified mail, to Respondent on May 24, 2001, advising him that his 2000 annual statement of economic interests still had not been filed. When Respondent did not file the statement in response to this second letter, the Siskiyou County Clerk's Office referred the matter to the Enforcement Division of the Fair Political Practices Commission.

On August 15, 2001, Investigator Dan Schek of the Enforcement Division spoke by telephone with a member of Respondent's family at Respondent's residence. Investigator Schek, advised the family member that Respondent's 2000 annual statement of economic interests was past due and that he needed to file the statement immediately. On September 19, 2001, Respondent filed his 2000 annual statement of economic interests.

CONCLUSION

This matter consists of one count of violating Section 87300, which carries a maximum administrative penalty of five thousand dollars (\$5,000). However, under the SEI Expedited Procedures adopted by the Commission in July of 1999, the approved administrative penalty for a person who files a delinquent annual statement of economic interests after being contacted by an Enforcement Division investigator is between two hundred and three hundred dollars (\$200 - \$300).

The facts of this case justify imposition of the agreed upon penalty of three hundred dollars (\$300).